

(93)
9-30-02
MA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

-----X
PHILLIPS-VAN HEUSEN CORP.,

Plaintiff,

- against -

MITSUI O.S.K. LINES LTD.;
DAMPSKIBSSELSKABET AF 1912
AKTIESELSKAB and AKTIESELSKABET
DAMPSKIBSSELSKABET SVENDBORG,
Defendants/Third Party Plaintiffs,

- against -

KELLAWAY TRANSPORTATION, INC.;
KELLAWAY INTERMODAL & DISTRIBUTION
SYSTEMS, KELLAWAY INTERMODAL
SERVICES, INC. and KELLAWAY TERMINAL
SERVICES, INC.,

Third Party Defendants.
-----X

Civil Action No.: 1: CV-00-0665
(Hon. Sylvia H. Rambo)

(Consolidated with 1:CV00-0691)
(3rd Circuit Docket #02-3577)

FILED
HARRISBURG, PA

SEP 27 2002

MARY E. D'ANDREA, CLERK
Per
Deputy Clerk

**NOTICE OF CROSS APPEAL AND APPEAL OF DEFENDANT
DDAMPSKIBSSELELSKABET AF 1912 AKTIESELSKAB and AKTIESELSKABET
DAMPSKIBSSELSKABET SVENBORG t/a MAERSK LINE**

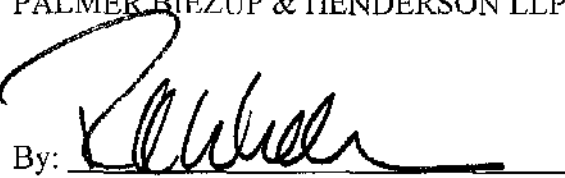
Third- Party Defendant Kellaway filed a Notice of Appeal in the captioned matter on September 13, 2002 (U.S. Court of Appeals for the Third Circuit Docket No. 02-3577).

NOTICE IS HEREBY GIVEN that Defendant and Third-Party Plaintiff Dampskibsselskabet AF 1912 Aktieselskab and Articselskabet Dampskibsselskabet Svenborg t/a Maersk Line (hereinafter "DAADS t/a Maersk Line") hereby cross appeals and appeals to The United States Court of Appeals for the Third Circuit from the judgment / decision in this consolidated action including but not limited to the Memorandum, Findings of Fact and

Conclusions of Law of the United States District Court for the Middle District of Pennsylvania dated and entered on August 14, 2002 (copy attached) and any and all final judgment(s), interlocutory decisions, opinions, orders and rulings related to said judgment.

Respectfully submitted,

PALMER BIEZUP & HENDERSON LLP

By: 

Richard Q. Whelan (ID # 35688)
William E. Ecenbarger, Jr.
Attorneys for Defendant and Third
Party Plaintiff DAADS (t/a Maersk Line)
956 Public Ledger Building
620 Chestnut Street
Philadelphia, PA 19106-3409
(215) 625-9900

Dated: September 26, 2002

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that service of a true and correct copy of Defendant/Third-Party Plaintiff DAADS t/a Maersk Line's Notice of Cross Appeal and Appeal was made to the below-listed counsel via First-Class Mail postage pre-paid on September 26, 2002.

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(215) 625-9900

Dated: September 26, 2002



MARY E. D'ANDREA
Clerk of Court

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA
William J. Nealon Federal Bldg & U.S. Courthouse
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P.O. Box 1148
Scranton, PA 18501-1148

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Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

RE:

Phillips-Van Heusen Corp

Vs

Mitsui O.S.K. Lines Ltd., Dampskibsselskabet
AF 1912 Aktieselskab and Aktieselskabet
Dampskibsselskabet Svendborg,

Defendants/Third Party Plaintiffs

Vs

Kellaway Transportation, Inc., Kellaway Intermodal
& Distribution Systems, Kellaway Intermodal Services, Inc.,
and Kellaway Terminal Services, Inc.

USDC NO: 1:00-CV-665

USCA NO:

**E-mail Account: All correspondence should be sent to the e-mail account:
PAMDAPPEAL1**

Dear Ms. Waldron:

A Notice of Appeal was filed in the above-referenced case.

_____ **Non-Prisoner *Pro Se* Civil Case: Notice of Appeal and Docket Sheet
available through RACER.**

 X **Non-Prisoner Civil Case or Criminal Case: Notice of Appeal and
Docket Sheet available through RACER.**

**The Clerk's Office hereby certifies the record and the docket sheet available
through RACER to be the certified list in lieu of the record and/or the certified copy of the
docket entries.**

Very truly yours,

s/ Mark J. Armbruster
Deputy Clerk

INFORMATION STATEMENT TO BE COMPLETED BY U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG, PA

Phillips-Van Heusen Corp

DISTRICT COURT NO. 1:00-CV-665

Plaintiff

Vs

CT. OF APPEALS NO. _____

Mitsui O.S.K. Lines Ltd., Dampskibsselskabet
AF 1912 Aktieselskab and Aktieselskabet
Dampskibsselskabet Svendborg,

Defendants/Third Party Plaintiffs

Vs

Kellaway Transportation, Inc., Kellaway Intermodal
& Distribution Systems, Kellaway Intermodal Services, Inc.,
and Kellaway Terminal Services, Inc.

Third Party Defendants

NOTICE OF APPEAL FILED

COURT REPORTER(S) Vicki Fox

FILING FEE:

NOTICE OF APPEAL ☒ PAID ☐ NOT PAID ☐ SEAMAN

DOCKET FEE ☒ PAID ☐ NOT PAID ☐ USA

CJA APPOINTMENT: (Attach Copy of Order)

☐ PRIVATE ATTORNEY

☐ DEFENDER ASSOCIATION OR FEDERAL PUBLIC DEFENDER

☐ MOTION PENDING

LEAVE TO PROCEED IN FORMA PAUPERIS STATUS, IF APPLICABLE:

(Attach Copy of Order)

☐ MOTION GRANTED (IN FIRST INSTANCE)

☐ MOTION DENIED (IN FIRST INSTANCE)

☐ MOTION PENDING BEFORE DISTRICT JUDGE

CERTIFICATE OF PROBABLE CAUSE (STATE HABEAS CORPUS):

(Attach copy of Order)

☐ GRANTED

☐ DENIED

☐ PENDING

COPIES TO:

Judge Sylvia H. Rambo
Carl H. Delacato, Jr., Esq.
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Date: September 30, 2002

PREPARED BY: /s/ Mark J. Armbruster
Deputy Clerk